



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

*In re* Application of:

Shutt et al.

Serial No.: 09/056,289

Filed: April 7, 1998

For: Polymerization Process

BEFORE THE EXAMINER:

F. Teskin

Group Art Unit No.: 1713

Attorney Docket No.: 98B017/3

Baytown, Texas

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**APR 02 2004**

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**TC 1700**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**

Dear Sir,

Applicant respectfully requests withdrawal of the Notice of Abandonment for the application identified above, which is listed as abandoned due to an error by the USPTO.

The facts are as follows:

1. A Notice of Allowance dated May 9, 2000 was received by Applicant on May 12, 2000;
2. The issue fee was due on August 9, 2000. The issue fee was not paid.
3. A Continued Prosecution Application (CPA) was timely filed on August 9, 2000.

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4. The CPA was received by the USPTO (as Evidence by the Express Mail receipt and stamped postcard).
5. The (CPA) was entered in to the U.S. Patent Office docket system with a date of August 9, 2000 (See attached PAIR printout).
6. A Notice of Abandonment for USSN 09/056,789 was mailed to Applicant.
7. The Notice of Abandonment was received by Applicant on October 10, 2000.

Applicant respectfully submits that the CPA was timely filed and thus the application was not abandoned. The application is incorrectly marked abandoned in the USPTO's docket system, however. Applicant submits that this was an error on the USPTO's part. Back in 2000, CPA practice was still relatively new. The regulations at that time provided that a CPA request operated as an express abandonment of the prior application. This was much the same as the prior File Wrapper Continuation process. The difference, however, was that with an FWC when the Notice of Abandonment was sent out, the "continued" case was given a new serial number so it was clearly not abandoned. In the instant case however under the new CPA rules the "continued" case had the same serial number as the prior case. Thus when the Notice of Abandonment was mailed it was not recognized as an error due to the prior PTO practice of mailing Notices of Abandonment under the FWC process.

The Office's error caused the instant application to be treated as if it were abandoned, even though it was not.

Applicant respectfully requests the Office withdraw the Notice of Abandonment and place the application in the queue for examination.

Please charge a petition fee of \$130.00 to USPTO Deposit Account 05-1712.

March 24, 2004  
Date

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Respectfully submitted,



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